

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**REVISED**

LLS NO. M16-0983.01 Kurt Woock x4349

**SJM16-004**

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**Senate Committees**

**House Committees**

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**SENATE JOINT MEMORIAL 16-004**

101     **CONCERNING THE REAUTHORIZATION OF THE FEDERAL "OLDER**  
102             **AMERICANS ACT OF 1965".**

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1             WHEREAS, The federal "Older Americans Act of 1965" (OAA)  
2     was signed into law on July 14, 1965, to meet the diverse needs of the  
3     growing numbers of older adults in the United States; and

4             WHEREAS, In the subsequent 50 years, the OAA has become the  
5     primary vehicle for organizing, coordinating, and providing  
6     community-based services and opportunities for older adults and their  
7     families, especially in maintaining their dignity and welfare; and

8             WHEREAS, Although older adults may receive services under  
9     many other federal programs, today the OAA is considered to be the  
10    major vehicle for the organization and delivery of services that help older  
11    adults live and thrive in communities of their choice for as long as  
12    possible, including home-delivered and congregate meals, caregiver

*Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

HOUSE  
Final Reading  
February 23, 2016

SENATE  
Final Reading  
February 22, 2016

1 support, preventive health services, transportation, job training, and elder  
2 abuse prevention; and

3 WHEREAS, The OAA facilitates these services through a national  
4 network of 56 state agencies on aging, 629 area agencies on aging, nearly  
5 20,000 service providers, 244 Tribal organizations, and 2 Native  
6 Hawaiian organizations representing 400 Tribes; and

7 WHEREAS, When the OAA was last reauthorized in 2006, the  
8 funding formula was adjusted to include a provision, known as the "hold  
9 harmless" provision, that assures each state will receive funding in an  
10 amount at least equal to its funding in 2006; and

11 WHEREAS, This issue is particularly important to Colorado as  
12 between 2000 and 2010, Colorado experienced the fourth fastest growing  
13 older adult population in the United States and the third fastest growth in  
14 this population between 2010 and 2014; and

15 WHEREAS, The "hold harmless" provision artificially froze  
16 funding at 2006 levels and required the use of these levels going forward,  
17 meaning funding levels have remained stagnant even as older adult  
18 populations grew more rapidly in some states than others; and

19 WHEREAS, The Congressional Research Service (CRS) has  
20 studied the effect of this provision and found that 25 states that had  
21 quickly growing older adult populations, including Colorado, did not  
22 receive the funding for programs they would have received had  
23 adjustments been made for these growing populations; and

24 WHEREAS, According to the CRS report, Colorado would have  
25 more than \$1.2 million in additional funding in fiscal year 2016 had there  
26 not been a "hold harmless" provision; and

27 WHEREAS, Overall, 40 states and territories would gain funding  
28 or not have their funding levels changed if the "hold harmless" provision  
29 was removed; and

30 WHEREAS, The "hold harmless" provision also directed  
31 unequitable sequester cuts, when in effect; and

32 WHEREAS, Colorado's aging population is projected to continue  
33 growing for at least the next 15 years, meaning the problems related to the

1 "hold harmless" provision will continue to be a major factor in the  
2 funding to Colorado even as demand for OAA services within the state  
3 continues to increase dramatically; and

4 WHEREAS, The OAA is due to be reauthorized, and, in response,  
5 the U.S. Senate passed S. 192 in 2015, which slightly modified the "hold  
6 harmless" provision in the direction of funding equity; and

7 WHEREAS, All seven members of the Colorado House  
8 Delegation have signed a letter to the Chairman and Ranking Member of  
9 the House Committee on Education and the Workforce requesting  
10 elimination of the "hold harmless" provision; now, therefore,

11 *Be It Resolved by the Senate of the Seventieth General Assembly*  
12 *of the State of Colorado, the House of Representatives concurring herein:*

13 That, in order to allow older adults in all states equal access to  
14 critical programs regardless of where they live, we, the members of the  
15 Colorado General Assembly, hereby urge Congress to reauthorize the  
16 federal "Older Americans Act of 1965" and ensure that the  
17 reauthorization of the OAA treats all older adults fairly by eliminating the  
18 "hold harmless" provision.

19 *Be It Further Resolved,* That copies of this Joint Memorial be sent  
20 to: Representative Paul D. Ryan, Speaker of the House; Representative  
21 Kevin McCarthy, Majority Leader; Representative Nancy Pelosi,  
22 Minority Leader; Representative John Kline, Chairman of the House  
23 Committee on Education and the Workforce; Representative Robert C.  
24 "Bobby" Scott, Ranking Member of the House Committee on Education  
25 and the Workforce; each member of Colorado's Congressional delegation;  
26 the Honorable Sylvia Mathews Burwell, Secretary of the United States  
27 Department of Health and Human Services; and Kathy Greenlee  
28 Administrator, Administration for Community Living, United States  
29 Department of Health and Human Services.